

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

vs.

Plaintiff,

STANLEY PATRICK WEBER,

Defendant.

Case No. CR-18-14-GF-BMM

ORDER

Plaintiff's Unopposed Motion to Continue Hearing, Trial and all Remaining Pretrial Deadlines (Doc. 45), is now before the Court. The Defendant does not oppose this motion.

The Plaintiff states that a witness that will be called to testify at trial is unavailable to testify at the motion hearing currently set for May 30, 2018. The Plaintiff contacted Defense counsel and they do not oppose this request as long as the motion hearing is continued until at least June 22, 2018, because of previous scheduled engagements of Defense counsel. Both parties agree that moving the motion hearing will have an impact on the trial date. Because of these factors, a continuance of the trial in this matter is warranted.

A district court may grant a continuance and exclude the time period of the

continuance from the calculation of the speedy trial date when “the ends of justice served by [the continuance] outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. §3161(h)(7)(A). In determining whether an “ends of justice continuance” is appropriate, a district court must consider, inter alia, whether the failure to grant the continuance will result in a miscarriage of justice; whether the case is so unusual or complex that it is unreasonable to expect adequate preparation within the time limits imposed by the Speedy Trial Act; and whether the case, while not complex or unusual, would nonetheless deny counsel the reasonable time necessary for effective reparation. *Id.* §3161(h)(7)(B). An “ends of justice continuance . . . must be specifically limited in time [and] must be justified on the record with reference to the facts as of the time the delay is ordered.” *United States v. Lloyd*, 125 F.3d 1263, 1268 (9th Cir. 1997). Any additional time is properly excluded under the Speedy Trial Act “only if the district court makes certain findings enumerated in [§ 3161(h)(7)].” *Bloate v. United States*, 130 S. Ct. 1345, 1351 (2010).

Weber is charged with Aggravated Sexual Abuse of a Child, 21 U.S.C. §§ 1152 and 2241(c), Attempted Aggravated Sexual Abuse of a Child, Title 18 U.S.C. §§ 1152 and 2241(c), Abusive Sexual Contact of a Minor U.S.C. §§ 1152 and 2244(a)(2) and Abusive Sexual Contract of A Minor U.S.C. §§ 1152 and

2244(a)(2). If convicted Weber could face a potential sentence of life in prison.

The crime allegedly occurred on or about July 1, 1993, September 15, 1993

January 24, 1995 and June 30, 1995 at or near Browning, within Glacier County, in the State and District of Montana, and within the exterior boundaries of the Blackfeet Indian Reservation, being Indian Country.

A continuance of the trial is appropriate under 18 U.S.C. §§3161(h)(7)(A), (B)(i) and (B)(ii). The ends of justice served by a continuance outweighs the interests of the Defendant and the public in a speedy trial. The failure to grant a continuance would deny Weber and his counsel the reasonable time necessary for effective trial preparation, resulting in a potential miscarriage of justice.

Accordingly,

IT IS HEREBY ORDERED Plaintiff's Unopposed Motion to Continue Motions Hearing, Trial and all Remaining Pretrial Deadlines, (Doc. 45), is **GRANTED**. **IT IS ALSO ORDERED** that Motions Hearing set for May 30, 2018 is **VACATED**. The final pretrial conference and jury trial set for June 25, 2018, are **VACATED**. The Motions Hearing is **RESET** for June 26, 2018 at 1:30 p.m. The final pretrial conference is rescheduled for **August 6, 2018 at 8:30 a.m.** The parties are to report to the chambers of the undersigned. The jury trial is rescheduled for **August 6, 2018 at 9:00 a.m.** in the Charles N. Pray Courtroom at

the Missouri River Federal Courthouse, Great Falls, Montana. The motions deadline is **July 6, 2018**. The plea agreement/notice of intent to proceed to trial deadline is **July 23, 2018**. Expert reports are due on or before **July 28, 2018**. The Jury Instructions and Trial Briefs are due by **July 30, 2018**.

All time between the date of this Order and August 6, 2018, shall be excluded for purposes of speedy trial.

DATED this 21st day of May, 2018.



Brian Morris
United States District Court Judge